

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

Amendment of Part 90 Concerning)
the Commission's Finder's)
Preference Rules)

WT Docket No. 96-199

REPLY COMMENTS OF SECURICOR RADIOCOMS LIMITED

Securicor Radiocom Limited ("Securicor"), by its counsel, submits the following reply comments in the above-captioned proceeding. Securicor is a leading developer of the highly spectrally-efficient Linear Modulation ("LM") technology. Securicor's state-of-the-art LM system can carry analog speech, digital "plain" or encrypted speech, and data files with various graphic formats over a 5 kHz channel. Securicor has equipped thousands of channels in the 220-222 MHz band with its 5 kHz LM equipment.

The comments submitted in this docket indicate very little opposition to the Commission's proposal to eliminate the finder's preference program in the 220-222 MHz band. In fact, several commenters pointedly state that "[i]f this rule making proceeding affected only finder's preference requests in the 220-222 MHz band ... [they] would not be filing ... comments."¹ Instead, the vast majority of commenters opposed to the Notice of Proposed Rule Making² object to elimination

¹ Comments of Mobile Communications Service of Miami, Inc. at 2 (Nov. 18, 1996); Comments of Advanced Electronics, Inc. at 2 (Nov. 18, 1996); Comments of Gwyn J. Mitchell at 2 (Nov. 18, 1996).

² *Amendment of Part 90 Concerning the Commission's Finder's Preference Rules*, WT Docket No. 96-199, *Notice of Proposed Rule Making*, FCC 96-383 (released Sep. 27, 1996).

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of the finder's preference program in the 470-512 MHz, 800 MHz, and 900 MHz bands,³ or object to the dismissal of pending finder's preference requests in these upper bands.⁴ Because of this lack of opposition in the 220 MHz band, and for the reasons described below, Securicor supports elimination of the finder's preference program in the 220-222 MHz band.

The Commission initially implemented the finder's preference program to maximize utilization of scarce spectral resources. The Commission was concerned that its enforcement activities were failing to detect violations of Commission rules, such as unconstructed systems, that resulted in underutilized spectrum in certain bands. Consequently, the Commission created the finder's preference program to provide incentives for private parties who were better positioned to detect such violations.

Since that time, the Commission has proposed to implement geographic licensing and competitive bidding procedures in the 220 MHz band. Competitive bidding drastically reduces the need for a finder's preference program. The purchase of licenses at auction creates a powerful incentive for licensees to develop their systems fully. Licensees simply cannot afford to underutilize spectrum. Thus, external enforcement mechanisms -- like the finder's preference program -- are not as necessary to assure full utilization of spectrum.

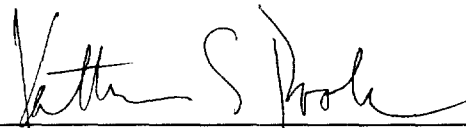
³ See, e.g., Comments of Motorola, Inc. (Nov. 19, 1996) (opposing elimination of the program as applied to private land mobile radio services in the 470-512 MHz, 800 MHz, and 900 MHz bands).

⁴ See, e.g., Comments of Joseph P. Bartelme, Neches Communications, Inc. (Nov. 9, 1996) (objecting to dismissal of pending finder's preference requests in the 800 MHz band); Comments of Bruce Bryant (Nov. 18, 1996) (same); Joint Comments of Kenneth Carlson, Rosemary Coyle, and JKR Partnership (Nov. 18, 1996) (same); Comments in Opposition to NPRM of J&M Paging, Inc. (Nov. 18, 1996) (objecting to dismissal of pending finder's preference requests in the 900 MHz band).

In addition, geographic-area licensing should carry with it a degree of certainty concerning the scope of a licensee's access to the channels within a defined region.⁵ If a bidder is buying something less than exclusive access, the Commission should at least define the parameters of the access prior to auction. The continuation of the finder's preference program renders such definition difficult at best.

In sum, a finder's preference program is no longer necessary to combat underutilized spectrum and may create post-auction inequities for geographic area licensees. Thus, Securicor recommends that the Commission eliminate the finder's preference program in the 220-222 MHz band. Thank you for the opportunity to comment.

Respectfully submitted,
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⁵ See, e.g., Comments of Incom Communications Corporation and Narrowband Network Systems at 3 (Nov. 18, 1996).